

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 7, 9, 11, 13, 15, and 21-22 are currently pending. Claims 2 and 4 are independent. Claims 2-5, 11, 13, 15, and 21 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. REJECTIONS UNDER 35 U.S.C. §102

Claims 2-5, 7, 9, 11, 13, 15, and 20-22 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 6,868,164 to Ito et al. (hereinafter, merely “Ito”).

Applicants respectfully traverse this rejection.

- First Argument

Independent claim 2 recites, *inter alia*:

“a cord connecting said left driver unit and said right driver unit, the cord having a first part, a second part, and a third part

...

wherein the first part of the cord connects the left driver unit and the first end member, the third part of the cord connects the right driver unit and the second end member, and the first and third parts are exposed outside of the belt and outside the right and left driver units." (emphasis added).

Claim 2 recites, *inter alia*, "a cord connecting said left driver unit and said right driver unit, the cord having a first part, a second part, and a third part . . . the first part of the cord connects the left driver unit and the first end member, the third part of the cord connects the right driver unit and the second end member, and the first and third parts are exposed outside of the belt and outside the right and left driver units." That is, in an aspect of the present invention, a cord is passed through a belt-shaped portion to connect a left side driver unit to a right side driver unit. A portion of the cord extends beyond the belt and the cord is exposed, that is, uncovered by the belt, between the drivers. Publ. App. par. [0039]. Whereas, in Ito, the tube covers the cord so that the cord is prevented from being exposed between the left and right housings. Ito, col. 9, line 60 to col. 10, line 6 and FIGS. 9, 10.

- Second Argument

Claim 2 is representative and recites, *inter alia*:

"a first end member, separate from the left driver unit and the right driver unit, fixing said first part of the cord to said belt in which said first end member is provided at the first end of said belt;

...

a second end member, separate from the left driver unit and the right driver unit, fixing said second part of the cord to said belt in which said second end member is provided at the second end of said belt." (emphases added)

Ito does not disclose end members that fix the cord to the belt and are separate from the driver units. Indeed, Ito specifically states the tube (covering the cord) is directly connected to the driver units:

“The following describes a second embodiment of the present invention with reference to FIGS. 10 to 16. The present embodiment relates to a neckband-type headphone apparatus, which is to say, a headphone apparatus whose band is positioned behind the listener's head when the listener wears the headphone apparatus. In this headphone apparatus, the ends of the tubes that cover the band are directly fixed to the left and right housings.” *Ito*, col. 7, lines 39-47 (emphasis added).

In contrast, claim 2 recites, “a first end member, separate from the left driver unit and the right driver unit . . . a second end member, separate from the left driver unit and the right driver unit.” That is, the first end member is not part of the driver. The first end member attaches the belt to the cord. The first portion of the cord is exposed outside of the belt and connected to the left driver. This is distinguishable from Ito wherein “the ends of the tubes that cover the band are directly fixed to the left and right housings” as discussed above.

For any and all of the above reasons, claim 2 is believed patentable over Ito.

Independent claim 4 is believed patentable for substantially the same reasons as discussed above for claim 2.

### III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

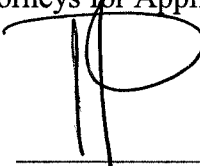
Claims 2-5, 7, 9, 11, 13, 15, and 20-22 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

A handwritten signature in black ink, appearing to be 'P. Levy', written over a horizontal line.

By: \_\_\_\_\_

Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800